



California Fair Political Practices Commission

May 5, 1987

John O'Connor
Acting City Attorney
450 North Crescent Drive
Beverly Hills, CA 90210

Re: Your Request for Advice
Our File No. A-87-127

Dear Mr. O'Connor:

This letter is to confirm that your letter of April 23, 1987, accurately reflects the advice I provided to you by telephone on that date. As you noted in your letter, my advice was confined to the interpretation of the Political Reform Act; we cannot provide advice concerning other laws.

For future reference, I have enclosed a copy of the Commission's opinion to Blanche Russel, 1 FPPC Ops. 191 (No. 75-135, December 3, 1975), and a copy of Advice Letter No. A-85-067. The opinion and the advice letter both discuss the definition of "gift" in Government Code Section 82028 and, in particular, address whether a "rebate or discount is made in the regular course of business to members of the public without regard to official status" and thus excepted from the definition of a gift for purposes of the Political Reform Act.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

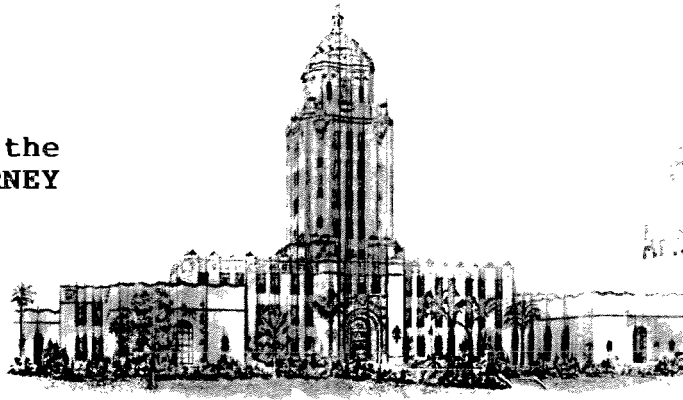
Diane M. Griffiths
General Counsel

Kathryn E. Donovan

By: Kathryn E. Donovan
Counsel, Legal Division

KED:km
Enclosures

Office of the
CITY ATTORNEY



CITY OF BEVERLY HILLS

450 NORTH CRESCENT DRIVE
BEVERLY HILLS, CALIFORNIA 90210
(213) 550-4877
April 23, 1987

Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Attention: Ms. Kathy Donovan

Re: Bonus Mileage Offered by Airlines

Dear Ms. Donovan:

Thank you for promptly returning my telephone call this morning. This letter will confirm our conversation and the advice rendered.

A member of the Beverly Hills City Council, Robert Tanenbaum, has accrued bonus airline mileage, and derived tickets therefrom for which no additional compensation is required. These benefits were derived from well publicized airline promotional programs for frequent flyers, and available to any member of the general public.


The question raised by Councilmember Tanenbaum was whether use of tickets derived from this source would violate any provision of law. I have advised Councilmember Tanenbaum that use of these tickets would not violate the Constitution or any other provision of law.

In our conversation you confirmed my opinion, in so far as the Political Reform Act is concerned, that use of these tickets does not violate provisions of the Political Reform Act. As legal authority to support that advice you have referenced Government Code Section 82028 which specifically states that when a "rebate or discount is made in the regular course of business to members of the public without regard to official status" it does not constitute a gift.

Fair Political Practices Commission
April 23, 1987

Thank you for your prompt response in this matter.

Sincerely,

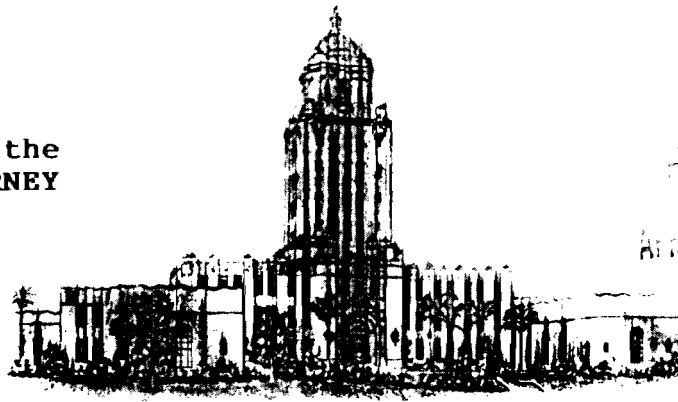


JOHN O'CONNOR
Acting City Attorney

wjol2fp

cc: Councilmember Tanenbaum

Office of the
CITY ATTORNEY



APR 27 0 53 PM '87

CITY OF BEVERLY HILLS

450 NORTH CRESCENT DRIVE
BEVERLY HILLS, CALIFORNIA 90210
(213) 550-4877
April 23, 1987

Fair Political Practices Commission
P.O. Box 807
Sacramento, California 95804

Attention: Ms. Kathy Donovan

Re: Bonus Mileage Offered by Airlines

Dear Ms. Donovan:

Thank you for promptly returning my telephone call this morning. This letter will confirm our conversation and the advice rendered.

A member of the Beverly Hills City Council, Robert Tanenbaum, has accrued bonus airline mileage, and derived tickets therefrom for which no additional compensation is required. These benefits were derived from well publicized airline promotional programs for frequent flyers, and available to any member of the general public.

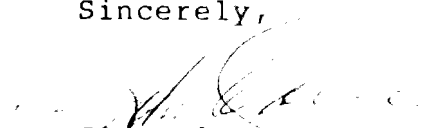
The question raised by Councilmember Tanenbaum was whether use of tickets derived from this source would violate any provision of law. I have advised Councilmember Tanenbaum that use of these tickets would not violate the Constitution or any other provision of law.

In our conversation you confirmed my opinion, in so far as the Political Reform Act is concerned, that use of these tickets does not violate provisions of the Political Reform Act. As legal authority to support that advice you have referenced Government Code Section 82028 which specifically states that when a "rebate or discount is made in the regular course of business to members of the public without regard to official status" it does not constitute a gift.

Fair Political Practices Commission
April 23, 1987

Thank you for your prompt response in this matter.

Sincerely,



JOHN O'CONNOR
Acting City Attorney

wjol2fp

cc: Councilmember Tanenbaum



California Fair Political Practices Commission

May 5, 1987

John O'Connor
Acting City Attorney
450 North Crescent Drive
Beverly Hills, CA 90210

Re: Your Request for Advice
Our File No. A-87-127

Dear Mr. O'Connor:

This letter is to confirm that your letter of April 23, 1987, accurately reflects the advice I provided to you by telephone on that date. As you noted in your letter, my advice was confined to the interpretation of the Political Reform Act; we cannot provide advice concerning other laws.

For future reference, I have enclosed a copy of the Commission's opinion to Blanche Russel, 1 FPPC Ops. 191 (No. 75-135, December 3, 1975), and a copy of Advice Letter No. A-85-067. The opinion and the advice letter both discuss the definition of "gift" in Government Code Section 82028 and, in particular, address whether a "rebate or discount is made in the regular course of business to members of the public without regard to official status" and thus excepted from the definition of a gift for purposes of the Political Reform Act.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

Kathryn E. Donovan
By: Kathryn E. Donovan
Counsel, Legal Division

KED:km
Enclosures



California Fair Political Practices Commission

April 29, 1987

John O'Connor
Acting City Attorney
City of Beverly Hills
450 North Crescent Drive
Beverly Hills, CA 90210

Re: 87-127

Dear Mr. O'Connor:

Your letter requesting advice under the Political Reform Act was received on April 27, 1987 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).) You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Diane M. Griffiths
General Counsel

DMG:plh
cc: Robert Tanenbaum